

REMARKS

First, Applicant thanks the Examiner for the communication mailed February 23, 2004, and containing an initialed copy of the Form PTO/SB/08 A & B (modified) enclosed with the Information Disclosure Statement filed on February 21, 2002 with the application. However, **Applicant still awaits a corrected Office Action Summary acknowledging Applicant's claim for foreign priority and also acknowledging that the certified copy of the foreign priority document has been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).**

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph, in view of the amended claims 2-5 and the new independent claim 6 which have been drafted specifically to overcome each of the alleged informalities noted by the Examiner.

The modifier "(cold)" has been omitted from the new independent claim 6, as it is not required to define unobvious novelty in the claimed invention. Furthermore, the term "glue" is defined within claim 6 itself. The terms "hot melt" glue and "cold" glue are defined in Applicant's specification from page 1, line 3, to page 2, line 12. In any event, both "hot" and "cold" glues, *per se*, are known in the art.

Applicant respectfully traverses the rejection of claims 1, 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Focke '186 in view of Froehlig and Dexter '033, the rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Focke '186, Froehlig '713, Dexter '033 and further in view of Miles '320, and the rejection

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of claim 5 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Focke '186, in view of Froehlig '713 and Dexter '033, and further in view of Anderson '235, insofar as these rejections may be applied to Applicant's new independent claim 6 and its dependent claims 2-5 (the original claim 1 has been canceled).

The new independent claim 6 defines a process for the production of packs from blanks having mutually overlapping folding tabs. Applicant attaches for the Examiner's information Exhibits "A", "B" and "C" which relate to the blank shown in Applicant's Fig. 3 and, alternatively, to a blank for a conventional "soft-cup" pack. EP '442, cited in the International Search Report (and listing Mr. Focke as a co-inventor) shows both types of blanks, namely one for a conventional soft-cup pack in Fig. 1, and another in Fig. 2 for a soft-pack having a Z-fold and double-layer bottom. If the Examiner deems it to be desirable, drawings from these three Exhibits and from EP '442 can be inserted in the present application.

I. New independent claim 6 expresses more clearly the gist of the present invention which comprises:

- *for the purpose of producing packs, blanks made of paper are severed from a material web and folded around the pack contents, with overlapping folding tabs being connected to each other by adhesive bonding,*
- *the material web is drawn off a reel (wound material web),*
- *the glue for connecting the folding tabs is applied to the material web as assigned to one blank in each case ,*

- *the glue possesses special (known) properties, i.e., activating an adhesive bond only when glue surfaces directly **contact** each other,*
- *the glue surfaces assigned to the blanks to be severed from the material web are positioned such that no mutual contact of glue surfaces occurs when the material web is still wound up, i.e. in the reel, whereas the glue surfaces, required for connecting the folding tabs, make contact with each other during the folding of a blank that has been severed from the material web.*

The inventive process represents a considerable advance in packaging technology, in particular for high-performance packaging machines such as those employed by the cigarette industry. The packaging material, in particular that used for soft-cup cigarette packs, can be completely prepared beyond of the region of the packaging machines, namely with respect to providing the required printing (design, brand, etc.) as well as the application of glue needed for connecting the folding tabs. By using the glue with its known properties and by means of the special positioning of the glue regions **on both sides of the material web**, it is possible to wind up the ready-to-use material web as a reel, which can then be stored, transported and brought to the packaging machine in the usual manner. It is only after the blanks have been severed from the material web in the usual manner and then folded that the glue regions are activated. Thus, the inventive (novel and unobvious) process **eliminates the need for the usual glue assemblies** commonly used in packaging machines to apply the glue immediately before the folding tabs are

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connected. This also results in the elimination of significant sources of malfunctions, namely those caused by glue particles in the packaging machine.

The invention can be employed for all types of soft packs, in particular for soft-cup packs, including those with the special Z-fold and "double bottom" (claim 4). Another special feature is that the (revenue) stamps 42 common to cigarette packs can be applied using the same process, namely on the basis of the appropriate preparation of the material web, on one hand, and the revenue stamp, on the other (claim 5).

In order to illustrate the environment of the claimed invention, Applicant encloses, for the Examiner's information, three exhibits (labeled Exhibit A, Exhibit B and Exhibit C, respectively).

Exhibit A shows two blanks, in particular made of paper, for soft (cigarette) packs. The upper blank is employed for the production of conventional soft-cup packs. This has been the leading type of pack throughout the world for decades. The blank shown in the lower part of Exhibit A corresponds to the exemplary embodiment of Applicant's Figs. 1-5. The differentiated marking of the glue regions depicts the fact that some glue surfaces are applied to one side of the blank, while other glue surfaces are applied to the other side of the blank.

Exhibit B shows a reel with a material web comprising adjacent blanks like those shown at the top of Exhibit A, i.e., for conventional soft-cup packs. The material web extends in the longitudinal direction of the blanks.

Exhibit C is analogous to Exhibit B, but relates to the blanks at the lower part of Exhibit A, where the blanks are directed transversely within the material web.

Exhibits A, B and C may be inserted in the present application if the Examiner so desires.

II.

1. Focke '186 (Mr. Focke is also a co-inventor of the present application) relates to a cigarette pack for which the invention can be employed with particular advantage. This is a soft-cup pack made from a single blank and having a Z-fold adjacent to a top end wall and also having a double-layer bottom. This type of pack, *per se*, is not a subject of the present invention. Rather, pursuant to claim 4, in Applicant's invention, the glue is applied to the Z-fold, on one hand, and to the two layers of the bottom wall, on the other, as claimed by Applicant. Applicant's Fig. 3 shows a blank (for this type of pack) that has been severed from a material web and with all designated glue regions for the Z-fold, on one hand, for the double-layer bottom, on the other and, also for the connection of the other folding tabs of a soft pack. In addition, glue regions for attaching the revenue strips are provided in this blank.

Focke '186 relates only to the form of the packs, and **not** to the preparation of the blanks or the material web with special glue regions. Consulting the constructive design of the pack pursuant to Focke '186 would not have provided the ordinarily skilled person with any suggestions for the **process** defined in new independent claim 6.

2. Froehlig '713 relates to folding boxes and to blanks for their manufacture. Cardboard blanks for making folding boxes are provided with glue before they are folded, specifically with the type of glue which also is employed in Applicant's invention and which is not activated until two associated glue surfaces come into contact with each other. Froehlig also mentions the advantages gained for the storage and transport of non-folded, yet glued, blanks (column 1,

starting with line 10 of the specification). The special glue is described in column 2, starting at line 28.

Froehlig **fails** to teach or remotely suggest the application of glue to a continuous material web and to the subsequent formation of a reel with the material web to which glue has been applied. Furthermore, Froehlig **also does not** suggest providing glue on **both** sides of the blanks so that the associated folding tabs can be joined to each other by two glued surfaces in the finished pack, as this would require, when the blanks are folded in the usual manner, that the mutually associated glue surfaces be arranged on the outer side of the blank, on one hand, and on the inner side of the blank, on the other. This is **not** the intention of Froehlig. Instead, Froehlig describes how folding tabs or folding strips are brought into contact with each other by folding. As shown in particular by the illustrations of the folded blanks in Froehlig's Fig. 7 and Fig. 9, the glue surfaces or glue regions are applied **only to one** side of the blank. Accordingly, Froehlig '713 also **fails** to provide the expert with any suggestions for the process steps of claim 6.

3. Dexter '033 does not relate to the field of pack production. Instead, according to Dexter, "separate sheets of multiple ply documents" are to be connected. To this end, a reel consists of two parallel webs which have different and mutually assigned blanks. As an alternative, the web can assume a zigzag shape (Fig. 1, Fig. 2..). In all exemplary embodiments of Dexter, a blank of one web is connected to a blank of the other web by means of marginal or punctual adhesive areas. Thus, Dexter does **not** relate to a blank being employed on its own, such as a wrapper for a pack. The sheets to be connected to each other in Dexter exhibit different glue information, e.g., the marginal, framed glue patterns 210 in Fig. 13. These glue

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patterns are offset to each other from sheet to sheet in order to avoid any overlapping of glue regions in the zigzag or wound formation. Dexter also proceeds from the fact that each web of blanks or sheets is provided with glue on **one side only**. Thus, Dexter also fails to provide the skilled person with any suggestions for the process defined in claim 6.

Thus, the two primary references, Focke '186 and Froehlig '713 relate to packs of interest, but do not suggest the "process" of claim 6 (or of its dependent claims 2-5). Furthermore, both Froehlig and Dexter apply glue spots to only one side of a foldable blank.

Claims 2 and 5 are dependent on the parent claim 6 whose non-obviousness with respect to Focke, Froehlig and Dexter has just been described above.

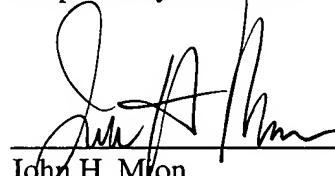
With respect to claim 2 and Miles '320, Applicant does not claim any novelty, *per se*, in applying a release coating to a paper substrate, but only in the novel and unobvious combination with the process of claim 6. Similarly, with respect to claim 5 and Anderson '235, Applicant does not claim novelty, *per se*, in applying a revenue stamp to a pack, but only in the combination defined by the novel and unobvious claim 6.

In summary, then, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 112 and 35 U.S.C. § 103(a), and to find the application to be in condition for allowance with all of claims 6 and 2-5; however, if for any reason the Examiner feels that the application is not now in condition for allowance, she is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

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Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of Two Months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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23373

CUSTOMER NUMBER

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EXHIBIT A

FOC-635-US

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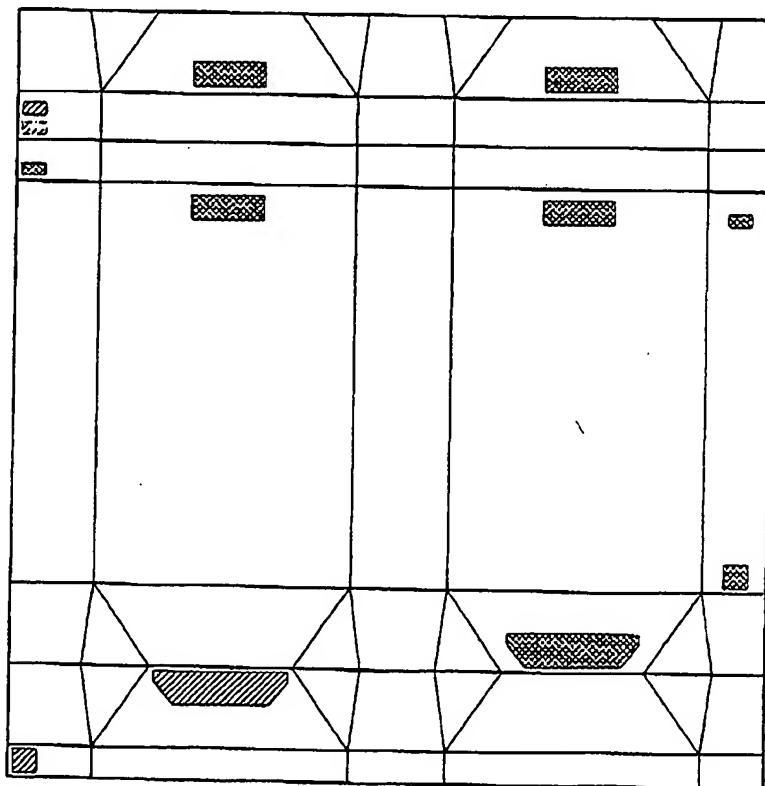
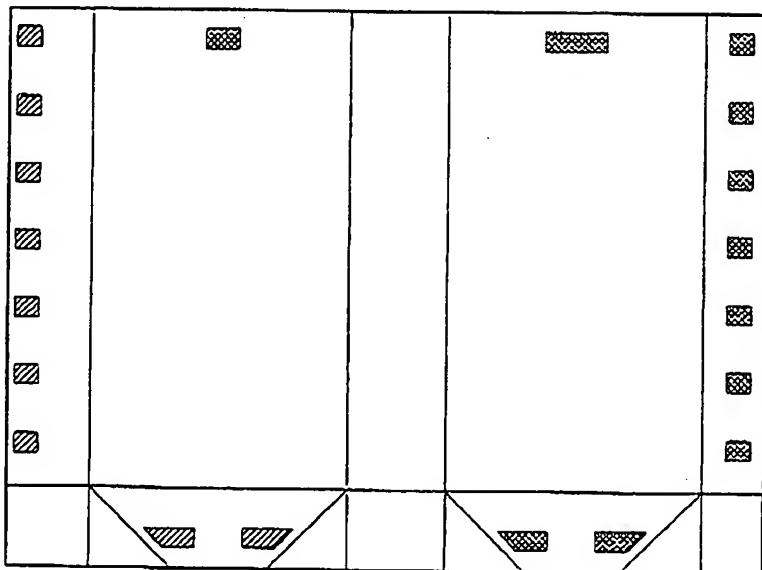


EXHIBIT B

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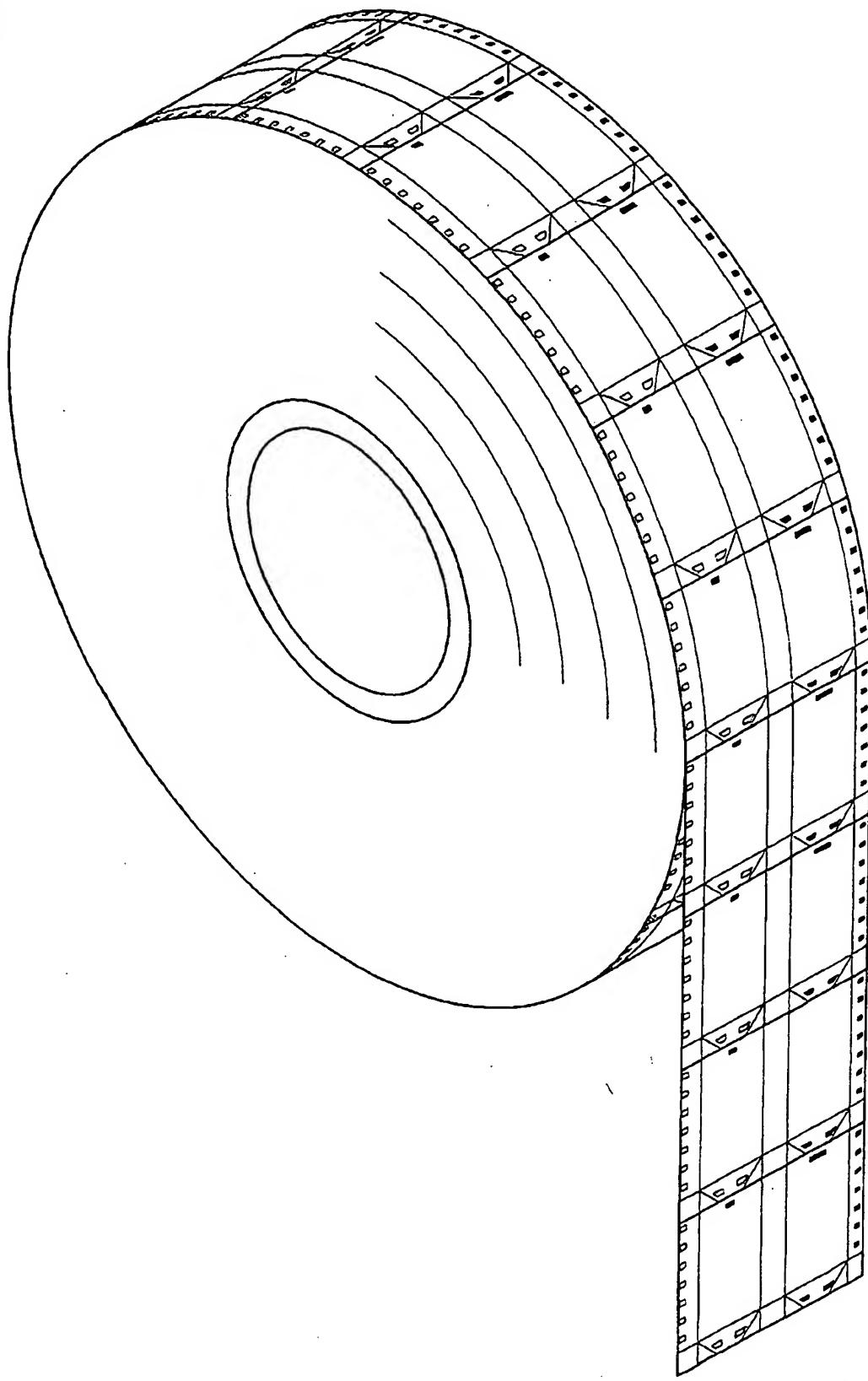


EXHIBIT C

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